



***COMMONWEALTH of VIRGINIA***  
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May 24, 2006

The Honorable David K. Paylor, Director  
Virginia Department of Environmental Quality  
629 East Main Street  
Richmond, Virginia 23219

Re: Regulation Governing Management of Coal Combustion By-Products  
Amendment 1, Final, 9 VAC 20-85

Dear Mr. Paylor:

I have reviewed the above-referenced regulation. It is my opinion that the Waste Management Board has authority to promulgate the regulation under applicable law, including Chapter 14 of Title 10.1 of the Code of Virginia.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

Cathie F. Hutchins  
Assistant Attorney General  
Environmental Unit